IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 28TH SEPTEMBER 2007 / 6TH ASWINA 1929

Crl.Rev.Pet.No. 4151 of 2006(D)

CRA.726/2005 of ADDL.SESSIONS COURT,-I, MAVELIKKARA
CC.678/2004 of JUDL.MAGISTRATE OF FIRST CLASS, KAYAMKULAM

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REVN. PETITIONER: APPELLANT/ACCUSED:

N. GOPALAKRISHNAN, S/O.NARAYANAN,
ANILALAYAM, PERUNGALA MURI,
KAYALAMKULAM VILLAGE, KARTHIKAPPALLY TALUK.

BY ADV. SRI.RINNY STEPHEN

RESPONDENTS: DEFACT COMPLAINANT & STATE:

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1. R. LATHEESH, LALITHA BHAVANAM,
PERUNGALA MURI, KAYAMKULAM VILLAGE,
KARTHIKAPPALLY TALUK.

2. STATE OF KERALA, REP. BY THE
STATE PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

R2 BY PUBLIC PROSECUTOR SRI.K.S.SIVAKUMAR
R1 BY ADV. SRI.S.SREEDUTT

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 28/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

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Crl. R.P. No.4151 of 2006

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Dated this the 28th day of September, 2007.

ORDER

The accused in C.C. No.678 of 2004 on the file of the Judicial First Class Magistrate, Kayamkulam for an offence punishable under Section 138 of the Negotiable Instruments Act, 1881, challenges the conviction entered and the sentence passed against him concurrently by the courts below.

2. Pending this revision, the parties have settled the matter. Crl. M.A. No.10075 of 2007 has been filed under Section 147 of the Negotiable Instruments Act, 1881 seeking permission to record the composition entered into between the revision petitioner and the complainant. The said petition has been signed by both the revision petitioner as well as the complainant and their respective counsels. In the light of this development, the aforementioned composition is recorded and it will have the effect of an acquittal of the revision petitioner within the meaning of Section 320(8) Cr.P.C. Money, if any, deposited by the revision petitioner pursuant to the orders, if any, passed by the lower appellate court shall be refunded to the revision petitioner/accused.

This Crl.R.P. is disposed of as above.

V.RAMKUMAR
Judge

pms